

United States District Court  
District of Massachusetts

	)	
EUGENE OKECHUKU AGINA,	)	
	)	
Petitioner,	)	
	)	Civil Action No.
v.	)	05-11234-NMG
	)	
MICHAEL CHERTOFF, et al.,	)	
	)	
Respondents.	)	
	)	

MEMORANDUM & ORDER

GORTON, J.

Petitioner Eugene Okechuku Agina ("Agina"), proceeding pro se, has filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241. A native and citizen of Nigeria, Agina is presently being detained by the Bureau of Immigration and Customs Enforcement ("ICE") pending the execution of his final deportation order. Agina alleges that his deportation is not "reasonably foreseeable" and that, hence, his continued detention is unlawful pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001).

Respondent Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, has informed the Court that ICE intends to execute Agina's final order of removal on September 13, 2005. Petitioner's removal, therefore, is undoubtedly reasonably foreseeable and the petition

has no merit.

Agina has also moved for the appointment of counsel. Under the circumstances, counsel is unwarranted and the motion will be denied.

**ORDER**

In accordance with the foregoing:

- 1) Petitioner's Motion for the Appointment of Counsel (Docket No. 4) is **DENIED**;
- 2) Respondent Chadbourne's Motion to Dismiss (Docket No. 5) is **ALLOWED**; and
- 3) Petitioner's Petition for a Writ of Habeas Corpus (Docket No. 1) is **DISMISSED**.

**So ordered.**

          /s/ Nathaniel M. Gorton            
Nathaniel M. Gorton  
United States District Judge

Dated: September 12, 2005